

SPECIAL MEETINGS

CLOSED SESSION - 6:45 P.M.

- A. Conference with Legal Counsel pursuant to Government Code Section 54956.9(b), Anticipated Litigation, Significant Exposure to Litigation, One Case
- B. Conference with Labor Negotiator, Greg Scoles, pursuant to Government Code Section 54957.6: BPOA

Attended by: Councilmembers Feierbach, Wozniak, Lieberman, Warden, Braunstein, City Manager Scoles, Interim City Attorney Kane, Police Chief Mattei (Item B only), Police Captain DeSmidt (Item B only), Labor Consultant Diana Doughtie (Item B only), Finance Director Fil. City Clerk Cook was excused from attending.

ADJOURNMENT at this time being 7:25 P.M.

Terri Cook
Belmont City Clerk

This meeting was not tape recorded or videotaped

REGULAR MEETING - 7:30 P.M.

ROLL CALL

COUNCILMEMBERS PRESENT: Feierbach, Lieberman, Wozniak, Warden, Braunstein

COUNCILMEMBERS ABSENT: None

Staff Present: City Manager Scoles, Interim City Attorney Kane, Finance Director Fil, Police Chief Mattei, Interim Fire Chief Fry, Community Development Director de Melo, Finance Director Fil, Deputy Finance Director Lazzari, Public Works Director Oskoui, Human Resources Director Dino, Police Captain DeSmidt, Redevelopment Attorney Ramiza, City Treasurer Violet, City Clerk Cook

REPORT FROM CLOSED SESSION

Interim City Attorney Kane stated that direction was given but no action taken during the Closed Session held earlier.

PUBLIC COMMENTS AND ANNOUNCEMENTS

Alan Sarver, Save the Music Festival, gave a brief overview of the upcoming Save the Music Festival to be held on October 2nd. He advised that this year's festivities will include a battle of the bands between Cal Berkeley and Cal Davis.

Rahim Kazemi, Belmont business owner, stated that the Code Enforcement Officer has made contact with his business relative to a City ordinance which prohibits two similar businesses from being in proximity to each other. He stated that the Code Enforcement Officer was disrespectful to

him.

Mayor Feierbach requested that the City Manager follow up with the speaker regarding his issue.

Nicole Fernandez, Assemblymember Jerry Hill's Office, invited the public to an event with Assemblymember Hill on October 5.

SPECIAL PRESENTATIONS

Notre Dame de Namur Student Presentation

Mayor Feierbach stated that she has been contacted by students at Notre Dame de Namur University (NDNU), who have a desire to reach out to their Belmont neighbors.

Stephanie Biehl, NDNU student, introduced members of the Associated Student Union Executive Board and the NDNU Programming Board. She noted that both serve the entirety of the student body. She explained that the NDNU students do not feel that they are connected to or welcome in the community, and wish to change that. She outlined some upcoming activities, and noted that the students will conduct a monthly service project in Belmont, in order to have a positive impact on the community. She noted that student athletes will be distributing flyers to the University's neighbors regarding upcoming athletic events, and that members of the NDNU student leadership would be attending City Council and Commission meetings.

Brittany Engelland-Gay, NDNU Diversity Education Coordinator, stated that the students were going to host a Halloween event on campus, and instead would be helping with an event already planned by the Parks and Recreation Department. She also explained that they would be visiting assisted living facilities in Belmont.

Councilmember Wozniak noted that Notre Dame High School students often apply for the Parks and Recreation Youth openings, and she expressed support for trying to find a way to accommodate a University student on the Commission.

Councilmember Braunstein stated that the ideas expressed by the NDNU students are concrete examples of how to make a difference and grow the relationship between the University and the City.

Councilmember Lieberman acknowledged the students' desire to outreach to the community. He commented that it took courage for them to have expressed themselves regarding the relationship between the City and the University. He suggested inviting youth soccer to play at halftime at NDNU games. He stated that he has been invited to the University as a guest speaker to discuss local politics.

Councilmember Warden stated that he is overwhelmed by the proposal made by the students, and acknowledged their desire to outreach to the community.

Proclamation Declaring October as Melodrama Month in Belmont

Mayor Feierbach presented the Proclamation.

Members of the Belmont Community Players noted that this is one of the last places in the area to preserve the art of melodrama. They invited the community to come to the upcoming show.

COUNCIL MEMBER COMMENTS AND ANNOUNCEMENTS

Mayor Feierbach announced the upcoming badge pinning ceremony for the new fire department staff. She stated there would be a fall compost giveaway on October 8. She noted that the bike/pedestrian bridge is nearing completion and that a ribbon cutting would be held later in October. She outlined activities held at the recent grand opening of the new recycling center. She stated that she met recently with Notre Dame de Namur University President Greig, and she recently attended a meeting of SAMCAR (San Mateo County Association of Realtors).

Mayor Feierbach stated that tonight's meeting would be adjourned in memory of Charles Pigue, the father of Valerie Harnish, Information Services Director.

Mayor Feierbach presented a proclamation to outgoing Interim City Attorney Kathleen Kane, in honor of her service to the City of Belmont.

Interim City Attorney Kane noted that her law firm has served the City of Belmont for over 40 years. She expressed the firm's full support for the City Council decision to bring legal services in house. She noted that it has been a wonderful experience working for the City of Belmont and with its fantastic staff and residents.

Councilmember Wozniak announced that the meetings of the Peninsula Cities Consortium for High Speed Rail would be held in Belmont for the next quarter.

Councilmember Braunstein congratulated Notre Dame de Namur University for receiving a Corporation for National and Community Service Award in recognition for volunteering, service learning, and civic engagement.

CONSENT CALENDAR

Approval of Minutes of Special and Regular Meeting of August 23, 2011

Acceptance of Informational Report for the U.S. Highway 101 Pedestrian/Bicycle Bridge Project, City Contract Number 433

Approval of City of Belmont Response to The San Mateo County Grand Jury Report Regarding San Francisco Aircraft Noise and San Francisco International Airport Community Roundtable

Approval of Resolution 10419 Authorizing the City Manager to Enter into a Contract with Star Vista for Juvenile Diversion & Counseling Services for Fiscal Year 2011-2012 for an Amount not to exceed \$13,000

Approval of Resolution 10420 Approving Specifications, Authorizing Advertisement for Sealed Bids, Approving Award of Purchase to the Lowest Responsible Bidder for the Replacement of

Vehicles #203, 1995 Ford F250 (Public Works), #303 and #304, 1998 Chevrolet C3500 (Parks) for an Amount not to Exceed \$120,000

Approval of Resolution 10421 Authorizing the City Manager to Execute a Construction Contract for the 2011 Belmont Creek Dredging Project for an Amount not to Exceed \$24,900

Approval of Resolution 10422 Authorizing the Filing of an Application for the Pavement Management Technical Assistance Program (P-Tap) Round 13 with the Metropolitan Transportation Commission (MTC) for the Total Maximum Amount of \$20,500, and Committing the Necessary Local Match in the Amount of \$4,100

ACTION: On a motion by Councilmember Wozniak, seconded by Councilmember Warden, the Consent Agenda was unanimously approved by a show of hands.

HEARINGS

Public Hearing to Consider an Ordinance Determining to Comply with the Alternative Voluntary Redevelopment Program Pursuant to Part 1.9 of Division 24 of the California Health and Safety Code in Order to Permit the Continued Existence and Operation of the Belmont Redevelopment Agency, Resolution Declaring the City's Intent to Adopt an Ordinance to Continue the Belmont Redevelopment Agency's Existence, and Resolution Approving and Authorizing Execution of a Remittance Agreement Between the City Of Belmont and the Redevelopment Agency

Finance Director Fil noted that the California State Supreme Court has issued a stay of the implementation of AB1X26 and 27. He explained that action on the ordinance this evening has financial implications.

David Doezenia, Consultant, outlined the implications of AB1X26 and 27 and their impact on the assets and revenues of the Redevelopment Agency, as well as the impact on Belmont's economic development activities. He explained that the cost to continue the Redevelopment Agency (RDA) for the current fiscal year would be \$2.2 million, and \$500,000 in subsequent years. He noted that the three options for consideration are to: 1) dissolve the RDA, 2) continue its existence for a medium term, or 3) continue for the long term. He reviewed the existing assets of Belmont's Redevelopment Agency. He noted that the recent legislation contains a claw-back provision, which could affect RDA properties that were transferred to City ownership prior to passage of the legislation. He described potential disposition of assets under each of the options.

Mr. Doezenia stated that the forfeiture of RDA distribution among the other taxing agencies included 9.7 percent to the City of Belmont and 16.9% to the Belmont Fire Protection District, for a total of 27 percent. He explained that the RDA could transfer its low-to-moderate income (LMI) properties to the City, which would require the City to take on management of its housing program. He described the economic impact on revenues if the RDA were to be dissolved. He explained that it is favorable to continue the existence of the RDA in the long term, and that dissolution risks forfeiture of funds. He noted that the opt-in provision preserves \$7 million in cash.

Finance Director Fil noted that even if the legislation is upheld by the courts, a positive cash position would exist for the City, and the City could continue with its economic development strategies. He clarified that there is likely a need to wind down the life of the RDA in the long term, and action on the proposed ordinance provides the City flexibility with regard to the future of the RDA.

Redevelopment Attorney Ramiza stated that the Supreme Court is likely to render its decision before the end of the calendar year. He explained that even though a stay was issued relative to the implementation of AB1X26 and 27, it is prudent to move forward with adoption of the continuation ordinance. He clarified that the ordinance would become effective only if the legislation is upheld. He further clarified that the reason for the proposed nonbinding resolution is due to the fact that there will not be an opportunity to have a second reading of the ordinance prior to the October 1st deadline. The resolution provides for an extra month in order to enact the ordinance.

Finance Director Fil noted that there is a companion action on the Redevelopment Agency agenda, which will be considered immediately following adjournment of the City Council meeting this evening.

In response to Councilmember Lieberman, Finance Director Fil clarified that over six full-time-equivalent employees are funded by annual RDA revenues of \$450,000, and other sources would need to be identified should those revenues no longer be available. He stated that a wind-down of the RDA would have a direct and immediate impact on operations.

Discussion ensued.

Consultant Doezema noted that revenue would flow primarily to the Belmont Fire Protection District should the RDA be dissolved.

Community Development Director de Melo noted that the loss of RDA monies would have a direct impact on staff that is dedicated to housing. He explained the need to identify a funding source for the maintenance of LMI housing upkeep.

Agency Attorney Ramiza added that the impact of this legislation to the Regional Housing Needs Assessment is unclear.

In response to Councilmember Warden, Finance Director Fil noted that there would be a direct benefit to the State in the first year of the implementation of the legislation. He explained that if all cities dissolved their RDA's, the monies would flow to the school districts and other special agencies.

In response to Councilmember Wozniak, Agency Attorney Ramiza clarified that most cities are opting to continue the life of their RDA's. He noted that some RDA's are near the end of their life and are winding down operations.

Mayor Feierbach opened the Public Hearing.

Drew Hadacek, Sares Regis/Regis Homes, stated that this matter creates much uncertainty. He noted that his company would like to do more projects, and has responded to the request for proposal on the Firehouse Square economic development site. He recommended that the City Council exercise the option to opt in, since it provides flexibility.

Scott Bohannon, Bohannon Development Company, stated that economic conditions have hampered progress on their project, and if there is no RDA, there is no project. He explained that Bohannon owns the Motel 6 property, which has a long-term lease. He outlined the conditions under which his project would be feasible, which includes buyout of the lease, negotiations with the motel, the acquisition of the lumber company and City Corporation Yard, and City and RDA concessions.

Mary Morrissey Parden, Belmont Chamber of Commerce, recommended the continuation of the RDA. She stated that money should be put into projects, not for consultants and staff. There is a need for incremental tax in order to move projects forward.

ACTION: On a motion by Councilmember Braunstein, seconded by Councilmember Warden, the Public Hearing was unanimously closed by a show of hands.

Councilmember Lieberman stated that continuing the RDA makes the most sense. Councilmember Wozniak noted that economic development project leaders concur. Councilmember Braunstein stated that continuing the RDA provides flexibility, and there is much uncertainty at the State level. Councilmember Warden commented that the City is clever in its use of RDA funds.

ACTION: On a motion by Councilmember Warden, seconded by Councilmember Braunstein, Resolution 10423 Stating Intent to Adopt an Ordinance to Continue the Belmont Redevelopment Agency's Existence and Comply with Part 1.9 of Division 24 of the Health and Safety Code was unanimously approved by a show of hands.

ACTION: On a motion by Councilmember Wozniak, seconded by Councilmember Warden, Resolution 10424 Approving a Remittance Agreement Between the City of Belmont and the Redevelopment Agency Pursuant to Health and Safety Code Section 34194.2 was unanimously approved by a show of hands.

RECESS: 9:15 P.M.

RECONVENE: 9:30 P.M.

NEW BUSINESS

Resolution Stating the City of Belmont's Intention to Revise the City's Maximum Solid Waste Charges Effective January 1, 2012 for Recyclable Materials, Organic Materials and Solid Waste Collection Services, and Setting the Date of a Public Hearing on the Maximum Rates Contained Therein

Finance Director Fil explained that this starts the annual rate-setting process, which will include a Proposition 218 hearing in November.

Michael Brown, Solid Waste Consultant, stated that solid waste removal has been handled in the same manner for many years until the new franchise agreement went into effect. He noted that the new agreement focuses on recycling, increasing public education, and the implementation of a progressive rate structure. He explained that the new programs have worked well. He noted that had Belmont remained under the South Bayside Waste Management Authority's (SBWMA) rate structure, the proposed increase would have been 37.9 percent. He described the rate-setting process. He clarified that the new franchise agreement has no provisions for a balancing account.

Mr. Brown described the customer migration to smaller trash cart size which has resulted in a shortfall to Recology. He explained that the rates would be adjusted only in 2012 and 2013 to address the shortfall. He noted that the proposed increase for 2012 is 22.26 percent. He also explained that increases in subsequent years would depend on future migration, and noted that there could be a reverse migration back to larger carts. He clarified the need to continue to address the Allied Waste legacy payment, as well as the need to set up reserves for future unknown issues.

Mr. Brown outlined the two rate structures being proposed. He explained that Option 1 proposes that all cart sizes would be increased by 22.26 percent, but does not address Recology's increase in costs. Option 2 provides for a fixed cost plus the increases in disposal fees, but reduces the progressive rate structure, thereby increasing the rate for those with smaller carts at a higher percentage than others. He provided a comparison of the proposed rates with those of other cities, which indicate increases of 15 to 52 percent. He explained that those who downsized to a smaller cart saved money from what they paid in 2010. He noted that the current rates are artificially low due to the fact that they were based on certain assumptions, some of which did not materialize.

In response to Council questions, Mr. Brown stated that some services could be reduced in order to save money, and he noted that by law, trash must be picked up at least once weekly. He explained that there is no cap on the fuel increase, which is set by SBWMA.

Councilmember Braunstein expressed concern regarding any reduction of the frequency of the pickup schedule for recycling. He noted that larger cans would be needed, which are too heavy for some people. He stated that people might end up placing recyclables in the trash.

Councilmember Wozniak expressed her desire to put the pressure on those with larger containers.

Mayor Feierbach expressed her desire to explore biweekly recycling. She expressed concern

regarding reducing the compost pickup to biweekly.

Mr. Brown explained that savings may not be realized if recycling is reduced. He noted that the City Council must adopt new rates or reduce service. He recommended moving forward with setting the Proposition 218 hearing schedule, and more data could be provided regarding options for reducing service.

Councilmember Lieberman expressed concern regarding any reduction of service. He stated that most residents are filling their bins weekly.

Finance Director Fil clarified that Recology is responsible for the rates, and the City is responsible for affirming those rates.

Mario Puccinelli, Recology General Manager, congratulated residents for reducing trash and increasing recycling. He concurred that most bins are full on a weekly basis. He explained that the rates in other cities are related to migration, and noted that two cities have fixed cart sizes resulting in small increases due to the fact that there is no migration. He clarified that the compost cart should be collected weekly due to vector issues.

Discussion ensued regarding State requirements for solid waste diversion rates. Consultant Brown indicated that proposed legislation could require a diversion rate of 70 percent.

Councilmember Warden noted that the proposed rate increase is a one-time increase due to migration. He expressed his desire to maintain the progressive rate structure. He cannot support a 22 percent increase, but could support 8 or 9 percent. He stated that the City Council likely did not have enough information at the time of the initial rate setting process to realize the potential of a 22 percent raise in the future. He suggested using the monies that were set aside from the balancing account to offset the proposed increase.

Councilmember Lieberman stated that in order to recover costs, the City Council chose not to raise trash rates prior to the expiration of the Allied Waste franchise agreement, and allocated settlement monies to mitigate the rate increase. He noted that at that time he expressed concern about using funds in the balancing account to mitigate a small increase in rates.

Finance Director Fil stated that the fund balance in the solid waste fund is \$650,000, which includes some of the monies from the settlement. He pointed out that the Allied legacy payment will still need to be paid.

Interim City Attorney Kane described the rate structuring process that was used when developing the franchise Agreement with Recology, which was intended to encourage recycling. She explained that the agreement set out to simplify the number of components that would be included in the standard rate increase. She noted that the issue was the unpredictability of the migration of cart size.

MEETING EXTENTION: At this time, being 10:30 P.M., on a motion by Councilmember Wozniak, seconded by Councilmember Lieberman, the meeting was unanimously extended for 30 minutes by a show of hands.

Discussion ensued regarding cart migration.

Consultant Brown indicated that service options could be provided for the November 22nd hearing which could result in lowering the rate increase.

Councilmember Lieberman inquired as to whether a hybrid of one option or the other could be applied. He noted that Option 2 is the best for residential customers, and Option 1 is the best for commercial customers.

Finance Director Fil indicated that the City Council could include one option for commercial and one for residential, but selecting a hybrid within one option or the other was not possible.

Councilmember Lieberman noted that the Council made a policy decision to favor the 20-gallon cart size.

Councilmember Wozniak suggested spreading the rate increase over the 64 and 96 gallon cart sizes.

Consultant Brown noted that the cost to service the carts by the Recology trucks is the same regardless of size.

Interim City Attorney Kane clarified that the franchise agreement provides for migration adjustments only in the first two years of the agreement, and that tipping fees would occur each year of the agreement.

ACTION: On a motion by Councilmember Wozniak, seconded by Mayor Feierbach, and approved by a roll call vote (Lieberman, Warden no) to approve Resolution 10425 Stating the City of Belmont's Intention to Revise the City's Maximum Solid Waste Charges Effective January 1, 2012 for Recyclable Materials, Organic Materials and Solid Waste Collection Services, and Setting the Date of a Public Hearing on the Maximum Rates Contained Therein, said motion to include Option 1 of the two proposed rate structures.

MEETING EXTENTION: At this time, being 10:50 P.M., Councilmember Wozniak made a motion to extend the meeting beyond 11:00 P.M. There was no second on the motion.

COMMISSION, COMMITTEE, AND COUNCIL INTERGOVERNMENTAL ASSIGNMENT UPDATES, AND STAFF ITEMS

High Speed Rail Update - Presentation from Cal Train on High Speed Rail Blended Service

Marian Lee, Cal Train, explained that High Speed Rail is exploring the use of the Cal Train corridor. It is proposing two sets of additional tracks along the entire corridor, which has not been well received by the affected communities. She described the blended system that was proposed by Congresswoman Eshoo and Assemblymembers Simitian and Gordon, which would share the existing two tracks. She provided an overview of the capacity analysis simulation, which assumes electrification of Cal Train and the installation of an advanced signal system. She explained that four passing tracks would be needed between the Hayward Park and Redwood City stations, as well as from Bayshore to Millbrae. She noted that a three-track system had not been tested.

MEETING EXTENTION: At this time, being 11:00 P.M., on a motion by Councilmember Wozniak, seconded by Councilmember Braunstein, the meeting was unanimously extended for 30 minutes by a show of hands.

Ms. Lee clarified that no designs have been developed, and the proposal has only been tested for feasibility. She explained that this proposal could provide for up to ten trains per hour per direction.

Councilmember Lieberman noted that if there was only one high-speed train per hour, there would be no need for any additional track.

Ms. Lee described the service characteristics that were tested, which included travel speeds, headways, and station stops. She explained that next steps included outreach, conceptual development, and cost estimates. She also explained that there were grade separation issues to be addressed at a number of crossings. She stated that the blended system concept would need to be reviewed by the High Speed Rail Authority for compliance with the provisions of Proposition 1A, as well as to determine the level of environmental review. She stated that the concept of the blended system should be captured in High Speed Rail's Business Plan. She outlined the guiding principles as outlined in the press release issued by the legislators who proposed it. She noted that it included provisions that there would be no aerial structure, and no encroachment beyond the existing right-of-way.

Councilmember Lieberman stated that there is no need for more than two tracks, and he suggested that the passing track be located somewhere else besides Belmont.

Councilmember Warden stated that there is not likely to be any support for an aerial structure or passing tracks beyond the existing right-of-way.

Mayor Feierbach stated that whatever is decided should not make it worse for one city by helping another. She concurred with Councilmember Lieberman.

Council concurred to have Ms. Lee come back for a future presentation once the data has been collected on the other alternatives, and the capacity analysis has been performed.

Verbal report from Councilmembers on Intergovernmental (IGR) and Subcommittee Assignments

Councilmember Lieberman stated that cost allocations would be a topic of discussion at an upcoming South Bayside Systems Authority (SBSA) meeting.

Councilmember Braunstein stated that he would provide an update to the City Council on the recent League of California Cities Annual Conference. He advised that the HEART (Housing and Regional Trust) ad hoc committee had begun to meet.

Verbal Report from City Manager

City Manager Scoles announced the Belmont Fire Department Badge Pinning Ceremony to be held on October 1st, and that the ribbon cutting for the Bike/Pedestrian Bridge would be scheduled soon. He summarized the recent Coastal Cleanup Day, and noted that over 800 pounds of trash had been taken out of Belmont's waterways.

ADJOURNMENT at this time, being 11:20 P.M., in memory of Charles Pigue.

**Terri Cook
City Clerk**

Meeting Tape Recorded and Videotaped
Audio Recording 798